

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VERNON MARSHALL JAMES
YOUNG,

Defendant.

CR-11-57-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter July 14, 2016. (Doc. 269.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 8, 2016. (Doc. 265.) Young admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Young's supervised release.

Judge Johnston has recommended that the Court revoke Young's supervised release and commit Young to the custody of the Bureau of Prisons for two weeks and one day on Count II. (Doc. 269 at 6.) Judge Johnston further has recommended that Young's term of custody be followed by 35 months of supervised release on Count II. Judge Johnston also has recommended that the conditions of supervised release previously imposed should be imposed.

Young's violation qualifies as a Grade C violation. Young's criminal history category equals II. Young's underlying offenses represent Class B and Class C felonies. The Court could sentence Young to a term of custody of 24 months on Count II. The Court could order Young to remain on supervised release for 36 months, less any custody time imposed on Count II. The United States Sentencing Guidelines call for four to ten months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Young's violations of his conditions represent a serious breach of the Court's trust. A sentence of two weeks and one day custody followed by 35 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 269) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Vernon Marshall James Young be sentenced to two weeks and one day imprisonment followed by 35 months of supervised release. The conditions previously imposed shall be continued.

DATED this 22nd day of July, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge